

1  
2  
3 UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION

6  
7 WILLIAM CORDOBA,

8 Plaintiff,

9 vs.

10 SILVIA PULIDO,

11 Defendant.  
12

Case No: C 12-04857 SBA

**ORDER**

13 Pursuant to the Court's order, Defendant has submitted a supplemental  
14 memorandum to support her objections to statements made by Stanley Kelley. These  
15 statements are contained in Confidential Memorandum prepared by Lt. Hal Williams, see  
16 Pl.'s Ex. 29, and two audio recordings of interviews conducted by the Office of Internal  
17 Affairs ("OIA"), see id. 91 & 83, 94 & 86.

18 Defendant objects to the admission of the Lt. Williams memo and the OIA  
19 interviews on both general and specific grounds. First, Defendant objects that all  
20 statements in the exhibits should be excluded as hearsay. Second, she provides objections  
21 to specific statements based on hearsay and other grounds. The Court will issue a separate  
22 order providing further reasoning on the general hearsay objection, but provides the  
23 following rulings in order to expedite the parties' preparation of these materials for trial.

24 **A. LT. WILLIAMS MEMO**

25 With regard to the memorandum prepared by Lt. Hal Williams following his  
26 interview with Mr. Kelley on September 9, 2010, which is found at Exhibit A to the parties'  
27 Joint Statement, Dkt. 295-5, the Court rules as follows:  
28

---

1           1.       Defendant's objection to Plaintiff's designation of the lines beginning "On  
2 Thursday, September 9, 2010" and continuing through "during the course of the interview  
3 stating" on the ground that it is incomplete is SUSTAINED, and the lines beginning "I  
4 know that you already know" and continuing through "I don't want to lose my date" are  
5 added for completeness.

6           2.       Defendant's objections to Plaintiff's designation of the lines beginning "So  
7 this is the truth Williams" and continuing through "lasted for about a week and a half" are  
8 OVERRULED.

9           3.       Defendant's objection to Plaintiff's designation of the lines beginning "I  
10 thought about it" and continuing through "we would have to stop" is OVERRULED.

11          4.       Defendant's objections to Plaintiff's designation of the lines beginning "She  
12 (Silvia) became very angry" and continuing through "until Cordoba (C-49732) was hired"  
13 are OVERRULED.

14          5.       Defendant's objection to Plaintiff's designation of the testimony "started  
15 trying to make me jealous" on the grounds that it is speculative and lacks personal  
16 knowledge is SUSTAINED.

17          6.       Defendant's objection to Plaintiff's designation of the lines beginning "On  
18 one occasion" and continuing through "blouse unbuttoned" is OVERRULED.

19          7.       Defendant's objection to Plaintiff's designation of the lines beginning "On  
20 another occasion" and continuing through "and folding them back up" is OVERRULED.

21          8.       Defendant's objection to Plaintiff's designation of the section titled  
22 "Reliability" on the ground that it lacks foundation is SUSTAINED.

23           **B.       OIA INTERVIEW DATED SEPTEMBER 10, 2010**

24           With regard to Mr. Kelley's interview on September 10, 2010, which is found at  
25 Exhibit B to the parties' Joint Statement, Dkt. 295-6, the Court rules as follows:

26           1.       Defendant's objections to Plaintiff's designation of lines 3:10-4:23 are  
27 OVERRULED.  
28

1           2.     Defendant's objection to Plaintiff's designation of lines 4:12-4:18 on the  
2 grounds that this testimony contains hearsay is SUSTAINED.

3           3.     Defendant's objection to Plaintiff's designation of lines 5:19-6:24 is  
4 OVERRULED.

5           4.     Defendant's objections to Plaintiff's designation of lines 6:25-7:2 are  
6 OVERRULED.

7           5.     Defendant's objection to Plaintiff's designation of lines 7:3-7:11 is  
8 OVERRULED.

9           6.     Defendant's objection to Plaintiff's designation of lines 7:14-7:17 (beginning  
10 with "When I get back to the building . . . ") on the ground that this testimony contains  
11 hearsay is SUSTAINED.

12          7.     Defendant's objection to Plaintiff's designation of lines 7:23-8:11 is  
13 OVERRULED.

14          8.     Defendant's objections to Plaintiff's designation of lines 8:12-8:16 are  
15 OVERRULED.

16          9.     Defendant's objections to Plaintiff's designation of lines 8:17-8:21 are  
17 OVERRULED.

18          10.    Defendant's objections to Plaintiff's designation of lines 8:22-9:4 on the  
19 grounds that this testimony contains hearsay and lacks personal knowledge are  
20 SUSTAINED.

21          11.    Defendant's objections to Plaintiff's designation of lines 10:9-10:11 are  
22 OVERRULED.

23          12.    Defendant's objection to Plaintiff's designation of lines 10:12-10:18 on the  
24 ground that this testimony contains hearsay is SUSTAINED.

25          13.    Defendant's objection to Plaintiff's designation of lines 11:11-11:17 on the  
26 ground that this testimony contains hearsay is SUSTAINED.

27          14.    Defendant's objections to Plaintiff's designation of lines 12:2-12:7 are  
28 OVERRULED.

1           15. Defendant's objection to Plaintiff's designation of lines 12:8-12:24 on the  
2 ground that it contains hearsay is SUSTAINED only as to lines 12:22-12:24 (to exclude  
3 "So when I leave - this infuriate me - when I leave, somebody say that dude over there  
4 talking to the lady. What?")

5           16. Defendant's objection to Plaintiff's designation of lines 12:24-13:7 is  
6 OVERRULED.

7           17. Defendant's objections to Plaintiff's designation of lines 13:8-13:13 on the  
8 ground that this testimony is speculative and lacks personal knowledge are SUSTAINED.

9           18. Defendant's objections to Plaintiff's designation of lines 13:18-13:20 on the  
10 ground that this testimony is speculative and lacks personal knowledge are SUSTAINED.

11           19. Defendant's objections to Plaintiff's designation of lines 14:12-14:20 on the  
12 grounds that this testimony contains hearsay, is speculative, and lacks personal knowledge  
13 are SUSTAINED.

14           **C. OIA INTERVIEW DATED FEBRUARY 17, 2011**

15           With regard to Mr. Kelley's interview on February 17, 2011, which is found at  
16 Exhibit C to the parties' Joint Statement, Dkt. 295-7, the Court rules as follows:

17           1. Defendant's objection to lines 4:3-4:8 is OVERRULED as unripe because  
18 Plaintiff has not designated this portion of the interview.

19           2. Defendant's objections to Plaintiff's designation of lines 11:20-12:2 are  
20 OVERRULED.

21           3. Defendant's objections to Plaintiff's designation of lines 12:4-12:15 are  
22 OVERRULED.

23           4. Defendant's objections to Plaintiff's designation of lines 12:16-12:23 are  
24 OVERRULED.

25           5. Defendant's objection to Plaintiff's designation of lines 12:24-14:2 is  
26 OVERRULED.

27           6. Defendant's objections to Plaintiff's designation of lines 14:3-14:20 are  
28 OVERRULED.

1           7. Defendant's objections to Plaintiff's designation of lines 15:4-15:16 are  
2 OVERRULED. The Court notes that the transcript attributes the statements at 15:4-15:8 to  
3 "INMATE CORDOBA," which the Court presumes is in error. Unless there is a genuine  
4 dispute as to the identity of the speaker, the parties should stipulate that this statement be  
5 attributed to "INMATE KELLEY."

6           8. Defendant's objection to Plaintiff's designation of lines 15:17-16:19 is  
7 OVERRULED.

8           9. Defendant's objection to Plaintiff's designation of lines 21:1-21:22 is  
9 OVERRULED.

10          10. Defendant's objections to Plaintiff's designation of lines 23:8-23:20 are  
11 OVERRULED.

12          11. Defendant's objection to Plaintiff's designation of lines 36:13-38:17 is  
13 OVERRULED. The Court observes that the identity of "he" in this testimony is not  
14 immediately clear, and suggests that the parties add lines 28:1-28:4 for clarity; however,  
15 this is merely a suggestion.

16          12. Defendant's objections to Plaintiff's designation of lines 38:18-38:21 are  
17 OVERRULED.

18          13. Defendant's objection to Plaintiff's designation of lines 38:22-40:19 is  
19 OVERRULED.

20          14. Defendant's objections to Plaintiff's designation of lines 40:20-40:25 on the  
21 grounds that the testimony is speculative and lacks personal knowledge are SUSTAINED.

22          15. Defendant's objection to Plaintiff's designation of lines 41:1-42:11 is  
23 OVERRULED.

24           IT IS SO ORDERED.

25           Dated: January 24, 2018

  
SAUNDRA BROWN ARMSTRONG  
Senior United States District Judge